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FORESTALLING THE DIRECT PRIMARY IN OREGON

I

THE Oregon Direct Primary law, enacted by the people in 1904 and amended by them in 1910, provides that every "political party"—so defined as to include at present only the Republican and Democratic parties—shall nominate all its candidates for public office under the provisions of this act and "not in any other manner."¹ No provision whatever is made for party platforms, but candidates are allowed a limited space for statements in the primary-election pamphlets and on the ballots.

It was at first assumed by some that this law would do away with all party conventions whatever. But others early maintained that such conventions were indispensable incidents of representative government; and soon politicians were reported as studying the primary law to find out how, under its provisions, the party organizations could still maintain some control over nominations. The "voluntary convention" was suggested as "one way out." Party organization, once an extra-legal institution, originating as a supplement to institutions established by law, had now become a part of those institutions²; but it seemed possible that the direct primary might in turn be supplemented, or rendered a merely formal affair, by the development anew of organization outside of the law.

Our people have modified the academic form of government of the fathers by the introduction of party organization. They will do this in

¹ With the amendment of 1910, the law applies to the nomination of president, presidential electors, United States senators, all state officers, and all local officers, except those in towns having less than two thousand inhabitants and officers of school districts. The election of precinct committeemen and delegates to the national party conventions is combined with the primary nomination of officers. Lord, *Oregon Laws*, §§ 3349 *et seq.* and vol. i, pp. xxxiii *et seq.*

² As to the nomination of federal officers, the state law is now obviously extra-constitutional.

every case, so long as self-governing virtue remains in them. The most brilliant example is the complete change in the method of electing the president, without the smallest aid of formal law. Every attempt to introduce unworkable institutions by law will be defeated in the same way. . . . If we continue to use the primary law we shall get the convention to make party nominations before the primaries. . . . Men may file by the dozen, as they could run independent before; but the voice of the party authority will choose among them as it always chose.¹

The first elections held under the Direct Primary law were the municipal elections in the spring of 1905. There is little or no party politics in municipal elections in Oregon, outside of Portland. There, in 1905, although there was hesitation and some difference of opinion among politicians as to the policy of such action, attempts were made to bring out pre-primary tickets for both parties; but factional differences prevented anything more than endorsements by particular Republican and Democratic clubs.

In the summer of 1905 a number of Republican politicians began an agitation for a state party convention, to adopt a platform and make "recommendations" of candidates before the date of the primary election of the next spring. But there was decided opposition to doing anything of the sort before the direct primary should have had a "fair trial." "No attempt to forestall its action will, at this stage in our affairs, be acceptable. . . . If now the people believe that groups of sleight-of-hand performers are scheming to set it aside, they will express their disapproval."² However, at the Republican state "peace conference," held at Portland in the fall, it was strongly urged that the conference, in addition to establishing peace between the factions of the party so that the entire party support would be given to the primary nominees, should make a platform and nominate, or "suggest," candidates to the voters at the primary election. But it was found that a "preponderance of senti-

¹ Quoted in *Oregonian*, August 27, 1904. Some reference was made to precedents elsewhere for holding pre-primary conventions, and later the convention provision of the Hughes (New York) Primary Bill was much discussed; but it seems generally to have been assumed that the idea was original in Oregon.

² *Oregonian*, July 20, 1905.

ment" was against such action, and the proposition was dropped. Some opposed it as an attempt to nullify the letter or spirit of the primary law; others were of the opinion that such action was not expedient at that time, because it would create distrust among the people. Said a leading politician:

If the present direct primary law is continued, I look for the development in the future of some kind of system by which there will be an association of electors in every district, for the purpose of declaring party principles and naming two or more candidates to be voted upon at the succeeding primary election.¹

However, a resolution was passed, with some opposition, for holding state and county conventions the next spring for the ratification of primary candidacies and the promulgation of party principles. Even this was regarded by some as an attempt to nullify the primary law, and the plan was not carried out. During the following winter and spring there was some activity in uniting the Republicans of Multnomah county for the campaign of 1906, but at that time no very effective organization seems to have been formed.

The state central committees of both parties hesitated to assume the responsibility of drafting platforms for the campaign of 1906. However, a Republican state platform was finally drafted and promulgated by a sub-committee appointed for the purpose, without express authority, by the Republican central committee. The leading Democratic organ declared suggestions of holding "mass meetings" of the parties for this purpose to be impracticable except in case of local affairs, and it branded such a movement as a return to the old convention system. At a meeting of the Democratic state central committee in January of this year, members talked of holding a state convention, but "very charily," and the subject was finally dismissed "as a matter fraught with danger."² But the Democrats of Umatilla county held a "mass assembly" in February, 1906, and recommended that a Democratic state assembly should be held at Portland. This county assembly adopted "resolu-

¹ *Oregonian*, August 2, 1905.

² *Ibid.* January 9, 1906.

tions," and "invited and recommended" candidates for the various county and district offices. Three other such Democratic county assemblies were held. In view of the small chance for Democratic success, the task of some of these assemblies was rather to find men willing to be "slaughtered" than to choose among candidates for office. In some instances more than one recommendation for the same office was made. In counties in which no "mass assemblies" were held, various efforts were made to secure harmonious action: in one county Democrats willing to make the race for office got together and agreed who should be candidates; in another county the central committee adopted a county platform; in a third county the committee "suggested" candidates for office, in some cases several for each office. Where "assemblies" made recommendations, these were generally accepted at the primary election.

A state "mass assembly" was held by the Democrats in March. There was opposition in the assembly to any selection of candidates by the assembly and even to the adoption of a platform. But, although it was acknowledged that a "binding platform" could not be adopted, "resolutions" were passed "uttering Democratic doctrine"; and although candidates could not be "nominated," candidates for all state and congressional offices were "invited" to run, "alternates" being named for three offices. The assembly expressly resolved that the "invitations" issued should not be considered by other aspirants to office as a bar to their candidacy, and it disclaimed any authority to "represent" the party. The primary election resulted in every instance in favor of the candidates of the state assembly.

Republicans declared that all such county and state assemblies returned to power "the old stagers" of the Democratic party and made the Democratic primary election a farce.

Although most of the offices, state and county, went to the Republicans at the general election, the Democratic nominee for the office of governor was elected.

Early in 1907, in view of the coming municipal primary election, there was activity in reorganizing Republican clubs in Portland and Multnomah county; but the clubs adopted the policy

of pledging support to the Republican primary nominees rather than of endorsing any candidates in advance. The Republican central committee made no endorsement of individual candidates before the primary election, but succeeded in extracting a pledge from all candidates but one to stand by the primary ticket whatever it might be. Democratic "party managers" put forward a candidate for the office of mayor; but at the primary election the voters "wrote in" the name of a popular Democrat whom the managers had not considered, and he was nominated. The Democrats secured only two offices to the Republicans' eighteen, but one of them was, as in the preceding municipal election, that of mayor.

The original Direct Primary law made no provision for the nomination of presidential electors or for election of delegates to the national party conventions. A bill providing that the voters at the primary election should elect delegates to state party conventions, which should not only adopt party platforms but also select delegates to the national conventions and nominate presidential electors, passed one house of the legislature of 1907 but failed in the other. The scope of the bill was perhaps misunderstood by its opponents, but it was feared that such conventions would result in practically nullifying the primary law. Some considered that the law forbade party conventions for any purpose whatever. Still, in the absence of any provision in the law for nomination of electors and election of delegates, there was cause, it was asserted, for holding old-time conventions for this purpose before the general election of June, 1908. There were politicians, both Republican and Democratic, who favored holding conventions by which complete tickets would be "suggested" to the voters at the primary election in April; but such strong opposition to pre-primary assemblies developed in both parties that, except in a few localities, nothing was done until after the primary election, when both parties held state conventions for the election of delegates to the national conventions, the nomination of presidential electors and the adoption of platforms. The delegates to the state convention were elected by the county central committees or by county conventions held for the purpose. Some of the latter, at least, adopted county platforms or "resolutions."

In Multnomah county the Republican politicians were about evenly divided on the question of holding a county convention for any purpose before the primaries, but the controversy ended by calling an assembly composed of delegates elected by "mass meetings" of Republicans in the various precincts. The assembly adopted a platform but made no nominations. Various Republican groups in the county worked at making tickets before the primary election, and several Republican clubs made endorsement of candidates. In some of the other Republican county conventions vigorous efforts were made to have county tickets nominated, but these efforts aroused great opposition and were unsuccessful. In one county the controversy resulted in imposing on a campaign committee the duty of "suppressing" undesirable legislative candidates.

The "Kentucky Klick," a Democratic or quasi-Democratic organization of Multnomah county, selected a full ticket for county and state offices and the office of United States senator, and these recommendations were for the most part accepted by the Democratic primary. At a Democratic "mass meeting" or "conference" in another county, the original intention of putting up a ticket was abandoned as useless, but finally a committee was appointed to "urge" candidates to come out for the legislative ticket. But there were no other Democratic candidates before the primaries when, the next month, the local "Jefferson Club" named a county and legislative ticket. This ticket was endorsed, almost without exception, by the Democratic primary. In another county, a nearly complete county and legislative Democratic ticket was named, partly by a "mass meeting," partly by a committee appointed at that meeting and partly by the county central committee. A majority of the candidates so selected were nominated at the primary election. In several other counties Democratic or "non-partisan" assemblies met after the primary election and made up tickets.

The following general election gave over three-fourths of the offices to the Republicans, but the Democrats again elected their candidate to the governorship.

For some time Republican criticism of the operation of the primary law had been increasing, and the agitation in favor of

"representative conventions" now became stronger. Early in 1909 a bill expressly permitting the parties to hold conventions and to nominate candidates (three for each office) passed one house of the legislature, but it was defeated in the other on the plea that such conventions would be a step backward to the old convention days and to the corruption of the past. Soon after, a Republican club of Multnomah county took active steps toward the calling of a convention for the nomination of a Republican ticket for the coming Portland primary election, with the result that, not without opposition, an "assembly," appointed by the city central committee and described, according to the point of view, as "merely a gathering for suggestions," "an assembly of party workers" or a "close corporation convention," met and "suggested" a complete city ticket. Those back of the movement insisted they were exerting every effort to divest it of all machine significance, but the usual machine methods of conventions seem to have prevailed. In prospect of the assembly, candidates were generally disposed to wait and see what their rivals would do and what the assembly would do, before going to the people independently. But some of them fought shy of assembly endorsement, in fear of being "ring tainted."

Republican opponents of the assembly plan held a "conference" before the primary election, and nominated a candidate against the assembly nominee for the office of mayor. This was of course criticized as an inconsistent proceeding; and it was further asserted that the "conference" could not claim the "representative" character of the "assembly." The authors of the "conference" were described as the "anti-assembly machine." There was some talk of holding a Democratic "mass meeting" for "bringing out" candidates, but nothing came of it. However, a Democratic "conference" appointed a committee to call on some Democrats with a view to candidacy, a meeting of "leaders" of the party made an endorsement of a candidate for mayor, and the "Kentucky Klick" presented a city ticket.

The "concentration" of the assembly for the office of mayor was finally met by a "distraction" of three "anti-assembly" candidates for the office, two Republicans and one Democrat.

A suggested "union of the forces of opposition" did not materialize, and the Republican assembly candidates were almost all approved at the primary election. The Democratic "leaders'" choice for mayor—it was the same as that of the "Kentucky Klick"—was there confirmed. Anti-assembly opposition did not cease among the Republicans after the primaries, but almost the entire Republican ticket was chosen at the regular election.

The results of the election thus "vindicated" this method of "suggestion," and its friends now advocated both state and county assemblies for the future.

When Oregon adopted the direct primary five years ago, a lot of idealists declaimed this state in the lead of the "progressive" movement. They little imagined that Oregon, in a brief time, would lead the way to restoration of the convention or assembly. . . . The people will sanction the middle-course method, between the old-time convention and the new-fangled primary, just as the voters of Portland have done to their satisfaction.¹

Both the friends and the opponents of the assembly plan saw that "assembly" would be the issue of the campaign of 1910.

Although some Republican politicians feared that the people would regard holding the assemblies advocated for that campaign as "a return to machine rule," the Republican state central committee finally called for assemblies, to be held before the date of the primary election.

From all but one of the thirty-four counties delegates were sent to the state assembly at Portland. In over half of the counties they were elected by county assemblies (called by the county central committees) or by representatives of the several precincts or groups of precincts at the county assemblies *etc.* In probably almost all the other counties they appear to have been named by the county committees. In one case the delegates were apparently self-appointed. Committee action was sometimes taken with but few members present. The call for the county assembly either specified that both delegates to the state assembly and county candidates should be selected by the

¹ *Oregonian*, September 8, 1909.

assembly, or left to it the questions whether and how candidates should be selected.

One of the county assemblies was a "mass meeting"; the others were composed of delegates, in most cases elected by "mass-meetings" of Republicans in the several precincts of the county and apportioned on the basis of the Republican electoral vote cast in the precinct at the last preceding election. Some of these local "mass meetings" were attended by but few voters. For example: in one precinct five men named six delegates; in another, three men named eleven delegates. But in other instances precinct meetings were well attended. Some of the county assemblies had full delegations; in others this was far from being the case. Probably in most instances those who opposed both state and county assemblies took no part whatever in these proceedings. But some who favored sending delegates to the state assembly were strongly opposed to selecting any county candidates, because they considered that the direct primary was satisfactory for the nominations to local offices without the aid of an assembly, or because they would "proceed cautiously and accustom the people to it by degrees."¹ Several of the county assemblies postponed choice of candidates until after the state assembly had met, partly in order to see how such a body would behave, partly to await the developments of the "educational" campaign in favor of the assembly plan. In just one-half of the counties candidates were selected by the assemblies. Some of the assemblies endorsed candidates for district and state offices in addition to candidates for county offices. The assemblies formulated platforms or "resolutions."

Delegates to the state assembly had been apportioned on the basis of the presidential vote of 1908. Although apparently not more than eleven hundred of the twelve hundred and forty-eight delegates so apportioned were present, proxy voting brought up the total vote to nearly the full apportionment. A full state ticket was named and "resolutions" were passed by the assembly as a whole. Recommendations for district offices

¹ Quoted in *Eugene Register*, July 3, 1910.

(for more than one county) were made by district assemblies, consisting of the delegates of the counties composing the several districts, and were ratified by the state assembly.

In the assemblies old-time politicians were much in evidence, but just how far old-time convention methods prevailed is not at all clear. While it seems probable that some of the assemblies were entirely free from any objectionable conduct, it is certain that in other assemblies, and particularly in one of them, the old methods were revived. In the leading county of the state, a "slate" of legislative candidates was prepared for the assembly by a small ring under the control of corporation interests, and the assembly endorsed all or nearly all of the slate. The state assembly was not free from serious abuses.

Many of us . . . were induced to participate. It became apparent before the work was completed, however, that delegations had been solicited and secured prior to the opening and that candidates who intended placing their names before the open meeting had absolutely no show of winning an indorsement.¹

And worse abuses were charged.

Before these assemblies were held, some aspirants for office long hesitated what course to pursue. If public opinion really favored the assembly movement, endorsement by assembly would give strength to the candidate, but in the contrary case it might cause his defeat. Some candidates announced their candidacy before the assemblies were held, and some of these openly avowed their opposition to the assembly movement. Others trusted themselves wholly to assemblies. Of those who attempted to secure assembly endorsement and failed, some "bolted" and became "self-nominated" candidates. Others repudiated unsolicited assembly endorsement. Still others became candidates after the assemblies had acted.

After the assembly nominations had been made, party machinery was used in support of the assembly candidates before the primary. This aroused much complaint on the part of the opponents of the assembly.

¹Quoted in *Oregonian*, September 27, 1910.

In the Republican primary election there was opposition in almost every case to the assembly candidates for state and district offices, but in many cases the opposition was very feeble. To the county assembly candidates there was absolutely no opposition in several counties and almost no opposition in several others. Assembly opposition was in many cases badly divided, to the advantage of the assembly nominees.

In about a dozen counties all or almost all the assembly endorsements were ratified, and in a few others about half of them. In only one county were the assembly candidates almost entirely "swamped," but that was in the leading county of the state. Two-thirds of the endorsements given by the state assembly for state offices and about the same proportion of the endorsements given by the district assemblies (approved by the state assembly) were ratified at the primary election. The old charge that Democrats go into the Republican primary was used by Republicans as an explanation of part of the opposition to the assembly nominees.

After the primary election was held, a vigorous effort was made, even on the part of many of the strongest opponents of the assembly, to rally all the members of the Republican party to the support of the primary nominees, regardless of whether they had been endorsed by assembly or not. "The primary contest is over, and it is now time for the conflicting elements within the Republican party to rally behind the ticket as nominated. . . . We have had a delightful family row, and victory is not exclusively to either contestant. Let us now have peace."¹ But the contrary view was thus expressed: "Every man who has accepted a nomination from the so-called assembly is an enemy of the direct primary. He should be marked as such, and a defeat be meted out to him, so no more plotters and plottings against direct nomination of candidates by the people will ever rise up in this state."²

Some Democrats advocated the assembly plan or some form of concerted action for their party, but the movement was not generally favored by the members of the party, and they were

¹Quoted in *Oregonian*, September 27, 1910.

²*Oregon Journal*, August 1, 1910.

thus left free for the most part to make "political capital" out of the action of the Republicans. However, the "Kentucky Klick" named candidates for state and congressional offices, a majority of whom were nominated at the Democratic primary election; and something similar was done in at least two counties. It was urged that the anti-assembly Republican candidates for the office of governor should get together and eliminate all but one candidate, but this was not done. It was charged that the choice of candidates for some important offices was made by an "anti-assembly assembly," consisting of a combination between a few anti-assembly Republicans and some Democratic politicians.

In over half of the counties the Republican assembly candidates who succeeded at the primary were all or nearly all elected to office, but in other counties the election eliminated assembly nominees to a considerable extent—in extreme instances two-thirds of them failed to secure an election. Almost all the nominees of the primary who had been endorsed by the district and state assemblies were elected. Half of the state senators and nearly half of the representatives elected had been nominated by assemblies. Nearly four-fifths of all offices were filled by Republicans—a slight increase over the proportion of 1908. Throughout the campaign the Republican opponents of the assembly as well as the Democrats had concentrated most of their efforts on the office of governor, and the election of a Democrat to this office over the Republican assembly nominee did much to offset the effect of assembly victories elsewhere. Dire results had been predicted of the assembly movement, and the results of the Republican primary and the regular election were generally interpreted as a popular repudiation of the assembly plan.

Upon the approach of the municipal primary election in Portland, in 1911, there was little or nothing of concerted party action and no apparent disposition to return to the assembly "vindicated" two years before. Only Republicans were elected at the regular election, but most of them had received both Republican and Democratic endorsement at the primary election.

In 1910 the primary law had been extended to include the

direct nomination of presidential electors and the election of delegates to national party conventions. Early in 1912 there was nevertheless some suggestion among Republican politicians that a convention be called for the nomination of candidates for these offices before the presidential primary in April, but the objection that such action would "raise a howl" among the people prevailed. A Republican movement to test the proportional-representation feature of the recent amendment was stopped, because it seemed capable of being represented as an attempt to restore the old convention system. Even the institution of a "Taft committee" was decried as a revival of "assemblyism;" but such an unfounded criticism of a mere campaign club soon ceased, and similar committees were formed to further the interests of the other presidential candidates. There was no lack of candidates willing to go as delegates to the national conventions, but there was little desire to seek the office of presidential elector. For the five places to be filled, no Democrats announced themselves as candidates; accordingly, in early March, the Democratic central committee named for the primary election a full quota of candidates. For the same places there was only one Republican candidate; but, objection having been taken to any action by the Republican committee, the voters were left to "write in" the names of others at the election. However, immediately before the election, leaders of the respective forces of the three Republican candidates for president united in suggesting the names of four members of the party for electors. No candidates for the office of vice-president having appeared, some leading Republicans and Democrats suggested names for this office to the voters of their respective parties. All the recommendations for Democratic and half of those for Republican presidential electors were approved at the primary election, and the recommendations for vice-president were there endorsed by the respective parties. There was a small amount of "assembly" or near-assembly activity in some of the localities, but it was wholly sporadic and unimportant. In general these later pre-primary movements were too insignificant to unsettle the prevailing belief that "assemblyism" in Oregon was "dead."

II

The various pre-primary movements before the Portland campaign of 1909 had not aroused very much discussion or opposition among either Republicans or Democrats. But with this campaign there began an active agitation on the subject, which continued through the campaign of 1910 and later. The law and philosophy of the direct-primary and convention systems were discussed with great vehemence and at tedious length. The agitators of the Republican movement, while urging that the primary law was seriously defective without the supplemental "assembly," generally alleged a strong friendship for that law, although there was also much outspoken hostility to the principle of direct primary nomination. The Republican press generally advocated the "assembly" movement. Although there was strong opposition made by some of the Republican papers, the opposition was voiced for the most part by the "independent" and Democratic press. In view of Democratic precedent, the Republicans charged the Democrats with inconsistency and lack of good faith. On the other hand, Democrats mentioned Democratic assemblies as little as possible, or they drew distinctions between Democratic assemblies and Republican assemblies. The labor unions and the granges were strong opponents of the Republican movement.

There were three classes of persons behind the assembly movement: discredited candidates who could not secure nomination under the direct primary system ("the departed"), politicians who sought to recover their former power of controlling nominations, and those who saw in the "unaided" direct primary an instrument inconsistent with the representative system of government. But of course the same arguments for the assembly were used by all three classes.

The opponents of the assembly have contended that the Direct Primary law absolutely prohibits the holding of any pre-primary convention for the selection of candidates by the parties to which it applies. The assembly is considered as a violation of several provisions of that law, and in particular of the provision which declares that "every such political party shall nominate all its candidates for public office under the

provisions of this law, and not in any other manner." But, on the other hand, it has been maintained that the law clearly permits the holding of such assemblies; that it intends simply that the primary shall be held after assembly or convention, instead of before; that, indeed, such assemblies cannot be prohibited by statute, in view of the provision in the state constitution which declares that "no law shall be passed restraining any of inhabitants of the state from assembling together in a peaceable manner to consult for their common good."¹ It is perfectly clear that assembly is not illegal but extra-legal.

Under the direct-primary system the candidates of the Republican (majority) party are numerous, and the resulting plurality nominations are a real grievance. "The go-as-you-please plurality primary means a multitude of candidates for official positions, split of the majority party into numerous groups, and nomination by meager plurality of candidates who can't unite their party for the election."² (But it should be noted that the chronic factional strife among the Republicans originated under the old convention system.) It is urged, moreover, that the Republican plurality nominations are of advantage not only to the Democrats but also to certain elements of the Republican party which could not hope for majority nomination from an assembly. In either case, it is contended, the direct primary results in the substitution of minority for majority rule. The "chief object of Republican assembly in Oregon is to stop minority nominations of plurality primaries."³

When the assembly was advocated as a means of bringing about harmony within the party, it was objected that assembly nominations would lead to anti-assembly nominations, and so disrupt the party more than ever; and, to some extent, this seems to have happened. However, in spite of plurality nomi-

¹ Constitution of Oregon, art. i, sec. 26. Reference has been made in this connection to the decision of the supreme court of Nebraska in *Ragan v. Junkin*, 85 Neb. 1, 122 N. W. 473 (1909).

² *Oregonian*, February 2, 1910.

³ *Ibid.* July 4, 1910. A bill intended to secure majority nominations at the primary election by means of a "second-choice" provision was passed by the legislature in 1911, but was vetoed by the governor, who asserted that it was unconstitutional and tampered with direct legislation.

nations, during the whole period of the operation of the primary law Republicans have been elected to a very large majority of the federal, state and local offices. But the fact that Democrats have held in a Republican state some of the most important offices, especially those of United States senator, governor and mayor of Portland, has been the source of much irritation. However, a similar condition existed under the old convention system, and in fact was largely due to the abuses which prevailed in that system.

Lack of proper geographical representation in the public offices under the direct-primary system is also given as a reason for holding "representative" assemblies.

Moreover, the assembly has been advocated as a means of correcting an alleged abuse of the practically "open" primary. For years it has been asserted that Democrats have registered as Republicans and voted at the Republican primary. That this is true is admitted by Democrats, but it is impossible to say how extensively the practice has prevailed. Where the motive is to help to elect certain Republicans instead of Democrats, who always have little chance of success, it practically amounts to a change of party. But Democrats are charged by the Republicans, justly or unjustly, with voting at the primary for the weakest Republican candidates and then at the general election for the Democratic candidates.¹

Further, in spite of the limitation of candidates' expenditures by the Corrupt Practices Act, it is contended that the unaided direct primary results to the disadvantage of the candidate without wealth. In fact much of the agitation for the Republican assembly was directed against "a certain rich man" in high office. It has been asserted, too, that "assemblies will check evils of self-nomination, and serve to bring out better candidates than those who thrust themselves forward without other than self-invitation."²

¹A drastic bill providing for a "close" primary—"An Act to prevent participation in the primary nomination election of one political party by members of another political party"—was introduced in the legislature of 1909, but met opposition and failed to pass.

²Quoted in *Oregonian*, May 1, 1910.

The necessary deliberation, not only upon men but upon measures, it is urged, can be secured only by action in assembly. It is true that the multiplicity of candidates for the numerous elective offices is a great burden upon the voters under the direct-primary system. "From the fact that it is impossible for the electors in general to know the candidates arises the need of conventions of the representative men of the party."¹ Besides, it is said, an assembly is a better judge of the qualifications of candidates than is the individual. Further, it is contended, "if there is to be no party assembly, there will be no common political principle outlined, and we shall continue to vote at random for men who print personal platforms on ballots more speckled and spotted than the ancient cattle of Genesis."² In general the assembly press has been much given to dissertations on the philosophy of and necessity for the existence of political parties and party organizations in the scheme of representative government and to bemoaning the political "chaos" in the "unaided" primary.

On the other hand, the opponents of the assembly have been inclined to disparage both party and party organization, especially the latter. So far as the choice of candidates is concerned, it is asserted that the people are in need of no assistance.

This interference with the prerogative of the primary voter is simply a gross insult to his intelligence. It is equivalent to saying, we (the assemblyites) are men of superior political sagacity, and because of this fact we are more competent to select the men who shall conduct the affairs of state than you of the common herd. We will select the nominees while you plebeians may have the privilege of walking up to the polls and voting for whom we tell you to vote.³

Although some opponents of assembly nominations do not object to assemblies for the formulation of party platforms, others regard such action as an encroachment upon the right of each candidate to make his own platform, or consider platforms a sham and not worth making, or see no more necessity

¹ *Oregonian*, February 5, 1910.

² Quoted *ibid.* May 1, 1910.

³ Reprinted from *Scio News* in *Oregon Journal*, May 16, 1910.

for guiding the people in matters of policy than in the selection of candidates. "The people have become tired of having their thinking done for them. They are competent to do that themselves, and when they commenced doing that the party was doomed as a paramount necessity."¹ Direct government as such is thus preferred to the representative system, which is described as "proxy government." This view is consistent with the attitude of those radicals who are so imbued with the merits of direct legislation that they are really jealous of any action by the legislature.

Most of the honest opposition to the assembly plan has been due, however, not so much to prejudice against the representative system as such, as to the belief that the convention system is in practice not truly representative. The old party "machine" had been destroyed by the direct primary, and any "supplemental" organization might result in establishing the "machine" anew. The assembly was declared to be "a veiled attempt to reinstate the corrupt and discredited convention system," a return to the time when "boodle, holdups, intimidation, bribery, bargain and sale, corruption, perjury, machine rule, profligacy, inefficiency, rascality and every political vice flourished like green bay trees."²

The advocates of the assembly, on the other hand, have declared that it would insure all the benefits of the old convention and the modern primary and eliminate all the evils of both.

The assembly recommendations must stand before the primary on their merits. If they are satisfactory to the voter, they will be accepted, as they should be. If they are not satisfactory, they will be rejected, as they should be. . . . In the "old days" primaries were held before convention; now they are held afterward. This change makes a vast difference. . . . Conventions or assemblies cannot undo the primaries, but the primaries can upset the conventions.³

¹ Reprinted from *Grants Pass Courier* in *Oregon Journal*, October 22, 1910.

² *Oregon Journal*, March 8, 1910. Moreover, it was urged by the opponents of the assembly movement that it was simply the first of a series of attacks which would be directed against all the reform legislation of recent years.

³ *Oregonian*, April 2, May 29, June 5, 1910.

It was admitted that electors would probably rely upon the recommendations of the assemblies. That an undeserved confidence in such recommendations would be easily secured was the fear of the opponents of the plan.

We are told that the voters will have the right in the primary to review and if desirable set aside the acts of the so-called assembly. Of what value will that be? In the election didn't they always have the right to review or set aside the acts of the old conventions? . . . Of what possible value is the right of review in the primary or election, when the secret and silent influences by which men are nominated in the assembly cannot possibly become known to the people?¹

The prestige given by the assembly endorsement would make independent nominations at the primary impossible.

The assembly candidate for any office will get all the votes the assembly influence in every district is able to throw to him. The independent candidates for the same office will divide the remaining votes among themselves, according to the amount of personal effort they may be able to put into the campaign. It will always be a divided field of individuals against the organized force of the machine.²

Besides, "if all the candidates are to be on 'equal terms,' what is the use of holding an assembly?"³

Some opponents of the assembly system have made a distinction between the *party assembly* and the *assembly of partisans*, and have given support to the latter.

The purpose and interest of said assembly is not to come together as citizens to advise and agree together and to make such recommendations in their own names and by their own authority to their fellow-citizens as they may deem wise, but it is intended to be and is a convention of delegates asserting the power and right to act with authority for others and to bind them to a course of political conduct, thus usurping the name and authority of their political parties.⁴

Certain of the Democrats have met (as men properly may) and made recommendations or urged members of the party to become can-

¹ *Oregon Journal*, June 17, 1910.

² Letter *ibid.* February 8, 1910.

³ *Ibid.* June 8, 1910.

⁴ Quoted in *Oregonian*, November 7, 1909.

didates for Democratic nominations, but they never pretended to act as delegates or representatives for others, or in the name of the Democratic party.¹

But it is not certain that large assemblies of partisans of a political party which comes within the scope of the primary law do not in effect as much "forestall" popular action under that law as do the "representative" assemblies. It is a question how far such distinctions will affect members of the party generally in their attitude toward the action of the assembly. But, although the assembly of partisans has been decried because it is not representative, so long as it makes no pretensions to a representative capacity it is possibly less subject to criticism than the assembly which claims to be representative but which can hardly ever be such in fact.

The "representative assembly" has been contrasted with the small "conference" of "leaders," much to the disadvantage of the "conference."

One is a wide open assembly, the other a secret, close political corporation.²

There are big assemblies and little assemblies. The big assemblies are held in broad daylight and do their work and recommend their candidates where all may see them. The little assemblies meet behind closed doors; peer behind chairs and under tables to discover any intruders; have no roll-call or known list of those present; keep no record of their proceedings; speak in whispers; permit no suggestions from any rank outsiders and close the night's work by a solemn agreement all around to deny that any living being was there. That is your anti-assembly assembly.³

But the very "oligarchical" character of the "conference" or "assembly" of "leaders" is so apparent that there is probably little danger that it will unduly influence the rank and file of the party. It has not, as has been contended, anything in common with the old-time "ring" which controlled the convention, for the work of the ring purported to be the work of the convention. Neither is it similar to the conference of

¹ Letter in *Oregon Journal*, November 9, 1909.

² *Eugene Register*, June 19, 1910.

³ *Oregonian*, September 22, 1910.

office-seekers (sometimes countenanced by opponents of the assembly), held for the purpose of determining the question of candidacy, whether by making "deals" among themselves or otherwise.

A distinction has been made between an assembly for eliminating candidates and an assembly for getting candidates to fill places on the ticket that would not otherwise be filled. The distinction is theoretically sound enough, but it is clear that these purposes are very likely to be confused in actual practice.

It would seem that the objections urged against pre-primary endorsements by a party assembly cannot be properly applied to similar action by organizations in no way connected with the political parties coming within the scope of the direct primary law—labor councils, bar associations, municipal leagues and other independent bodies. But advocates of the party assembly have attempted to place all concerted action before the primary upon exactly the same footing.

Political conditions on the whole are doubtless much better in Oregon than they were under the old convention system; but it would seem that, in the course of time, especially if genuine party issues should arise, there may be a general demand for some form or other of organization for more effectively concerted political action. Since the undue influence of party organization with all its abuses has been caused in the past largely by the multiplicity of elective offices and the resulting slavish dependence of the voters upon guidance by the organization, the adoption of the "short ballot," a reform which has already received substantial support in Oregon, would do much to prevent a return of the abuses of the old convention system in any form of party organization of the future. And of course the same reform would render the working of the present "unaided" direct primary much more satisfactory, and would perhaps operate, in some measure at least, to discourage future attempts to "forestall" its action.

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